

Dear Seawolf Community,

I am writing to inform you of the U.S. Department of Education's new regulations relating to [Title IX of the Education Amendments of 1972](#) (Federal Regulations). The Federal Regulations include key changes to provisions addressing scope, questioning at live hearings, review of evidence, appeals, and training, among others. All educational institutions which receive federal funding, including Sonoma State University (SSU) and the other 22 California State University (CSU) campuses, must comply with these regulations as of August 14, 2020, or risk loss of federal funding.

In response, the CSU Chancellor's Office has issued [Addendum B: Federal Mandated Hearing Addendum](#), which accompanies CSU Executive Orders [1096](#) and [1097](#), and which outlines the policy and procedures required under the Title IX Federal Regulations. Please note that regardless of the Federal Regulations, our policies governing sexual harassment, sexual misconduct, and sex- and gender-based discrimination, as stated in Executive Orders [1095](#), [1096](#) and [1097](#), still remain fully in effect. The U.S. Department of Education acknowledges that SSU and other universities may address misconduct through their policies and through state law, and SSU is firmly committed to responding to and addressing sexual harassment and sexual misconduct that affects the CSU community. In the case of California law and CSU policy, policies are more expansive than the conduct prohibited by the Federal Regulations.

The Changes

All formal complaints submitted to the Office for the Prevention for Harrassment and Discrimination (OPHD) will be first assessed under [Addendum B](#) to determine whether those procedures apply. If a formal complaint does not meet the criteria to be processed under [Addendum B](#), the complaint may be processed under EO [1096](#) or [1097](#) (our current single-investigator model) or [Addendum A](#) (our current hearing-model for student cases).

Two significant aspects of [Addendum B](#):

- Under [Addendum B](#), alleged incidents can be considered for investigation only if they occur within the United States, and only if they occur in university sanctioned programs or activities, or on properties owned or controlled by the university or recognized student organizations. If these criteria are not met, the allegations may be evaluated under EOs [1096](#) and [1097](#), or [Addendum A](#), which apply much more broadly to alleged violations

involving any university student, staff, or faculty member, including in non-SSU locations and outside of the United States

- All [Addendum B](#) investigations, which apply the Federal Regulations, will involve live hearings with mandatory Hearing Advisors who will conduct the cross-examination of the Parties. The hearing will be facilitated by a Hearing Officer, who will monitor decorum and assess the appropriateness of the questions. The CSU will provide trained Hearing Advisors if either complainant or respondent do not have one available.
- Other regulation details are available at [Addendum B](#). Please note that FAQs will be forthcoming. Any inquiries can be directed to ophd@sonoma.edu.

What has NOT changed:

- Employees still have a duty to report potential incidents of sexual misconduct, sexual harassment, dating and domestic violence and stalking to OPHD, unless they are specifically exempt under CSU policy.
- Executive Orders [1096](#) and [1097](#) and [Addendum A](#) are still in effect but only after consideration whether allegations are governed by [Addendum B](#), based on specifically defined criteria.
- Regardless of which process, or whether a case meets criteria for an investigation, our OPHD team continues to provide supportive measures and other services, conduct intakes relating to reports and complaints of sex- and gender-based misconduct, and coordinate with other campus offices on Title IX issues of misconduct, harassment, stalking, and gender equity.

All current active investigations as well as intakes regarding alleged incidents that occurred **prior to August 14, 2020**, will still go through the process under EO [1096](#) and [1097](#) or [Addendum A](#). Incidents occurring on or after August 14 will be subject to the new process described above, including determining whether they are governed by procedures stated in [Addendum B](#).

Sonoma State University remains committed to supporting a safe and equitable campus environment as we move forward with these new regulations issued by the federal government.

OPHD will continue to work and collaborate to provide supportive measures and other services in our processes for our campus community.

Thank you,

A handwritten signature in black ink that reads "SM Clegg". The signature is written in a cursive, flowing style.

Sarah Clegg
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Relevant Links:

[EO 1095](#): Current Policy (Superseded Policy from June, 23, 2015)
Systemwide Policy Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.

[EO 1096](#): Current Policy (Superseded Policy from March 29, 2019)
Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties.

[EO 1097](#) Current Policy (Superseed Policy from March 29, 2019)
Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Students.